

AMENDED IN SENATE JANUARY 4, 2006

AMENDED IN SENATE APRIL 6, 2005

SENATE BILL

No. 540

Introduced by Senator Kehoe

February 18, 2005

An act to add Section 1940.3 to the Civil Code, relating to tenancy.

LEGISLATIVE COUNSEL'S DIGEST

SB 540, as amended, Kehoe. Tenancy: signs and flags.

Existing law regulates the terms and conditions of residential tenancies. Existing law prohibits a landlord for interfering with a tenant's quiet enjoyment of the premises.

This bill would prohibit a landlord from prohibiting a tenant from posting or displaying ~~noncommercial signs, posters, flags, or banners, as specified, on or within any portion of premises leased by the tenant, unless the posting or display would violate a local, state, or federal law. The bill would permit a landlord to prohibit, in this regard, signs, posters, flags, and banners that exceed specified sizes and to limit the number of signs, posters, flags, and banners to a reasonable amount, for that type of dwelling leased by the tenant. The bill would also authorize a tenant to affix a noncommercial sign, poster, flag, or banner in specified areas if the materials used do not violate the lease agreement. The bill would state that its provisions are declaratory of existing law~~ *campaign signs relating to an election or legislative vote, including an election for a candidate for public office or to the initiative, referendum, or recall process, except as specified.*

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 *SECTION 1. Section 1940.3 is added to the Civil Code, to*
2 *read:*

3 1940.3. (a) *Except as provided in subdivision (b), a landlord*
4 *shall not prohibit a tenant from posting or displaying campaign*
5 *signs relating to (1) an election or legislative vote, including an*
6 *election for a candidate for public office or (2) the initiative,*
7 *referendum, or recall process. Campaign signs may be posted or*
8 *displayed from the window or on the door of the premises leased*
9 *by the tenant in a multifamily dwelling, or from the yard,*
10 *window, door, balcony, or outside wall of the premises leased by*
11 *a tenant of a single family dwelling.*

12 (b) *A landlord may prohibit campaigns that are more than*
13 *nine square feet in size.*

14 SEC. 2. *It is the intent of the Legislature that enactment of*
15 *this bill shall not diminish or affect in any way any other form of*
16 *political or noncommercial expression by a tenant where that*
17 *expression is not associated with an election or political*
18 *campaign.*

19 ~~SECTION 1. Section 1940.3 is added to the Civil Code, to~~
20 ~~read:~~

21 ~~1940.3. (a) A landlord shall not prohibit a tenant from~~
22 ~~posting or displaying noncommercial signs, posters, flags, or~~
23 ~~banners on or within any portion of premises leased by the~~
24 ~~tenant, unless the posting or display would violate a local, state,~~
25 ~~or federal law.~~

26 ~~(b) For purposes of this section, a noncommercial sign, poster,~~
27 ~~flag, or banner may be made of paper, cardboard, cloth, plastic,~~
28 ~~or fabric, and may be posted or displayed from the yard, window,~~
29 ~~door, balcony, or outside wall of the leased premises of a single~~
30 ~~family dwelling or from the window or door of the leased~~
31 ~~premises in a multifamily dwelling. A noncommercial sign,~~
32 ~~poster, flag, or banner may not be made of lights, roofing, siding,~~
33 ~~paving materials, flora, or balloons, or any other similar building,~~
34 ~~landscaping, or decorative component, or include the painting of~~
35 ~~architectural surfaces.~~

36 ~~(c) A landlord may prohibit noncommercial signs and posters~~
37 ~~that are more than 9 square feet in size and noncommercial flags~~
38 ~~or banners that are more than 15 square feet in size.~~

1 ~~(d) A landlord may limit the number of noncommercial signs,~~
2 ~~posters, flags, or banners to a reasonable amount, for that type of~~
3 ~~dwelling leased by the tenant.~~

4 ~~(e) A tenant may affix a noncommercial sign, poster, flag, or~~
5 ~~banner in or on the specified areas of the leased premises, if the~~
6 ~~materials used to affix the sign, poster, flag, or banner do not~~
7 ~~violate the lease agreement entered into by the landlord and~~
8 ~~tenant.~~

9 ~~(f) The Legislature finds and declares that this section is~~
10 ~~declaratory of existing law.~~

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